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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KENNETH A. FRIEDMAN,

Plaintiff,

v.

JAMES GREGG COX et al.,

Defendants.

Case No. 3:14-cv-00465-MMD-VPC

ORDER

I. DISCUSSION

On September 17, 2014, Plaintiff filed a motion to stay his case pending exhaustion. (Dkt. no. 5.) On September 23, 2014, this Court issued an order denying Plaintiff's motion to stay his case pending exhaustion pursuant to Ninth Circuit case law. (Dkt. no. 6 at 2.) The Court instructed Plaintiff to inform the Court whether he wished to proceed with the case or seek voluntary dismissal of the case, without prejudice, to resolve the exhaustion issues. (*Id.*) This Court stated that if Plaintiff chose to voluntarily dismiss the case, the Court would not impose a filing fee for this case. (*Id.*) Plaintiff paid the full \$400.00 filing fee for this action. (Dkt. no. 7, 8.)

On October 6, 2014, Plaintiff filed a notice electing to voluntarily dismiss his case at this time without the prepayment of fees. (Dkt. no. 10 at 2.)

The Court now dismisses Plaintiff's case in its entirety without prejudice and issues a \$400.00 refund to Plaintiff.


For the foregoing reasons, it is ordered that this case is voluntarily dismissed in its entirety, without prejudice.

It is further ordered that the Clerk of the Court shall issue a refund to Plaintiff (Kenneth A. Friedman, NDOC Inmate #80952) in the amount of \$400.00.

It is further ordered that the Clerk of the Court shall send a copy of this order to the Finance Division of the Clerk's Office. The Clerk of the Court shall also send a copy of this order to the attention of the Chief of Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

It is further ordered that the Clerk of the Court shall enter judgment accordingly.

DATED THIS 7th day of October 2014.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE